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★ OCT 27 2014 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, and
THE STATE OF NEW YORK,
ex rel. HOWARD RUSSO,

Plaintiffs,

v.

AXCESS, INC., AXCESS GREAT NECK, LLC,
AXCESS SPRINGFIELD GARDENS, LLC,
BROOKLYN AXCESS, LLC, AXCESS
SMITHTOWN, LLC, THOMAS PANETTA, M.D.
VASCULAR SURGERY, PLLC,
THOMAS PANETTA, M.D., ROBERT
DIRAIMO, M.D., DINKER RAI, M.D., and
DAVID SCOTT, M.D.,

Defendants.
-----X

Civil Action No.
CV-12-3176

(Feuerstein, J.)

PROPOSED ORDER

WHEREAS, the United States has not intervened in this action pursuant to the
False Claims Act, 31 U.S.C. § 3730(b)(4), the Court rules as follows:

IT IS ORDERED that,

1. the complaint be unsealed and served upon the defendants by the relator;
2. all other contents of the Court's file in this action remain under seal and not
be made public or served upon the defendants, except for this Order and the Notice Of
The United States That It Is Not Intervening At This Time, which the relator will
serve upon the defendants only after service of the complaint;
3. the seal be lifted as to all other matters occurring in this action after the date
of this Order;

4. the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action, for good cause, at any time;

5. the parties shall serve all notices of appeal upon the United States;

6. all orders of this Court will be sent to the United States; and that

7. should the relator or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting its approval.

IT IS SO ORDERED,

This 27th day of Oct, 2014.

s/ Sandra J. Feuerstein

SANDRA J. FEUERSTEIN
United States District Judge